

REMARKS

In accordance with the foregoing, claims 1, 5-11, 15-21 and 25-30 are amended herein. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-30 are pending and under consideration. Reconsideration is respectfully requested.

Claim Amendments

Independent claim 1 is amended herein to recite a method including "transmitting over a third communication path . . . , to said interactive server, which is independent from said broadcasting server, and which activates and deactivates an interactive application based on said information specifying said service time, wherein said interactive application is executed by said interactive server and provides said interactive service over said first communication path to said broadcasting receiver in response to an access from said broadcasting receiver; and transmitting over said second communication path, to said broadcasting receiver without transferring through said interactive server." (Amendatory language being underlined). Independent claims 11 and 21 are similarly amended.

Dependent claims 5-6, 15-16, and 25-26 are amended to correspond to amendments in respective parent claims. Support for the amendments is found, for example, in page 5, line 24 – page 6, line 7 of the specification.

Independent claim 7 is amended herein to recite a method "controlling activation and deactivation of an interactive application that is executed by said interaction server and that provides said interactive service, based on said extracted set of said information specifying said interactive service and said information specifying said service time of said interactive service." (Amendatory language being underlined). Independent claims 17 and 27 are similarly amended.

Support for the amendments is found, for example, in page 5, line 24 – page 6, line 7 of the specification. Dependent claims 8-10, 18-20, and 28-20 are amended to correspond to amendments in respective parent claims

No new matter is being presented, and approval and entry are respectfully requested.

Traverse of Rejections Under 35 U.S.C. §103

I. On pages 2-6 of the Office Action, the Examiner rejects independent claims 1, 11, and 21 (and respective dependent claims 2, 4, 12, 14, 22 and 24) under 35 U.S.C. 103(a) as being

unpatentable over Reynolds et al. (U.S.P. 6,934,963) in view of Yen et al. (U.S.P. 6,668,278) and Malaure et al. (U.S.P. 6,446,262).

The rejections are respectfully traversed and reconsideration is requested. Applicants submit that features recited by each of independent claims 1, 11, and 21 (and respective dependent claims) are not taught by even an *arguendo* combination of the art relied on by the Examiner. Independent claim 1, as amended herein recites a method including:

a) "acquiring information specifying an interactive service associated with data broadcasting and information specifying a service time of said interactive service, wherein said interactive service can be provided from an interactive server over a first communication path to a broadcasting receiver, and said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver;"

b)" transmitting over a third communication path, said information specifying said interactive service and said information specifying said service time, which are acquired in said acquiring, to said interactive server, which is independent from said broadcasting server, and which activates and deactivates an interactive application based on said information specifying said service time, wherein said interactive application is executed by said interactive server and provides said interactive service over said first communication path to said broadcasting receiver in response to an access from said broadcasting receiver (emphasis added);" and

c)"transmitting over said second communication path, to said broadcasting receiver without transferring through said interactive server, data broadcasting contents associated with said interactive service at said service time specified by said information specifying said service time, wherein said data broadcasting contents include link information to access said interactive application executed by said interactive server (emphasis added)." Independent claims 11 and 21, as amended herein, have similar recitations.

The Examiner asserts Reynolds disclosure on col. 8, lines 30-35 and col. 7, lines 50-55 teaches the feature "wherein said data broadcasting contents include link information to access said interactive application executed by said interactive server." (See, Action page 3, lines 20-22). However, Reynolds discloses:

The program guide data transmitted by main facility 12 to television program guide equipment 17 may include television programming data (e.g., program identifiers, times, channels, titles, and descriptions) and other data for services other than television program listings (e.g., help text, pay-per-view information, weather information, sports information, music channel information, associated Internet web links, associated software, etc.).

(See, for example, col. 5, lines 53-62).

That is, merely that the program guide data transmitted by main facility to television program guide equipment may include "associated Internet web links."

Applicant submits that "associated Internet web links" as disclosed by Reynolds do not teach or suggest the link information "to access said interactive application executed by said interactive server" in this claim, wherein said interactive application is activated or deactivated based on said information specifying said service time, as recited by claim 1, for example.

Accordingly, Reynolds, Yen and Malaure even in *arguendo* combination do not teach or suggest an interactive application that is specified by and accessed via the link information included in the broadcasting contents, and that provides said interactive service in response to an access from said broadcasting receive, as recited by claim 1, for example.

The Action concedes that Reynolds does not disclose a method wherein said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver. (See, Action, page 4, lines 1-5).

The Examiner asserts that this feature is taught by Yen and it would have been obvious to modify Reynolds with Yen to teach this feature. (See, Action, page 4, lines 6-13).

However, Applicants submit that the Examiner is in error and one of ordinary skill in the art would not have modified Reynolds in such a manner, since Reynolds, in fact, teaches away from "transmitting over said second communication path, to said broadcasting receiver without transferring through said interactive server, data broadcasting contents. Reynolds teaches a system in which:

In the hybrid guide system of the present invention, a main facility (e.g., a satellite uplink facility) provides data from a data source to a number of distribution facilities (e.g., cable system headends, broadcast distribution facilities, a satellite distribution facilities, or any other suitable distribution facilities).

(col. 2, lines 8-12)

That is, Reynolds teaches that the distribution facility provides a combined guide including both the received videos and the interactive listings, which may correspond to the interactive service in this claim. Reynolds indicates that it is:

an object of the present invention to provide a hybrid passive-interactive television program guide in which the interactive program guide features are coordinated with the passive program guide components of the system.

(col. 1, lines 57-61).

That is, it is an object of Reynolds so that the videos and the interactive listings are transmitted to the user television equipment combined as the "hybrid guide". Applicants submit that such a distribution facility taught by Reynolds can not be modified in the manner as suggested by the Examiner.

That is Reynolds teaches data broadcasting contents and interactive contents are combined and distributed to the user television equipment through the same communication path. Moreover, Yen, Reynolds, and Malaure, taken alone or in combination, do not teach or suggest "activates and deactivates an interactive application based on said information specifying said service time, as recited by independent claim 1, for example

The Examiner also asserts that Malaure teaches a method for transmitting information specifying said interactive service over a third communication path. (See, Action at page 4, lines 18-20). However, Malaure discloses user interfaces receive data from and transmit data to the CCS (See, col. 3, lines 50-53)

But, in support of the rejection of claim 7, for example, the Examiner asserts instead that Malaure's disclosure of the CCS teaches the recited "interactive server" but the BBC1 teaches the "broadcasting server." That is, the Examiner's assertions in support for rejection of claim 1, for example, contradict, his assertions in support of claim 7.

Furthermore, on page 8 of the Office Action, the Examiner concedes that Malaure does not teach a method wherein "said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server." That is, the Examiner's assertions are contradictory.

Dependent claims 2, 4, 12, 14, 22 and 24 recite patentably distinguishing claim limitations of their own or are at least patentably distinguish over a combination of the art relied on by the Examiner due to their dependence from respective independent claims.

Since features are recited by independent claims 1, 11, and 21 (and respective dependent claims 2, 4, 12, 14, 22 and 24) are not taught by a combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 1-2, 4, 11-12, 14, 21-22, and 24 allowed.

II. On pages 6-9 of the Office Action, the Examiner rejects independent claims 7, 17, and

27 (and respective dependent claims 8-10, 18-20 and 28-30) under 35 U.S.C. 103(a) as being unpatentable over Malaure in view of Yen in view of Reynolds.

The rejections of these claims are respectfully traversed and reconsideration is requested. Applicant submits that features are recited by independent claims 7, 17, and 21 and respective dependent are not taught by a combination of the art relied on by the Examiner. Independent claim 7 recites a method including:

a)"receiving and storing a set of information specifying an interactive service and information specifying a service time of said interactive service from a broadcasting server in one or a plurality of broadcasting stations, wherein said broadcasting server is managed independently from said interactive server;" and

b)"extracting, from the stored set of said information, a set of information specifying a specific interactive service having a relation to said interactive server and information specifying a service time of said specific interactive service;" and

c) "controlling activation and deactivation of an interactive application that is executed by said interaction server and that provides said interactive service, based on said extracted set of said information specifying said interactive service and said information specifying said service time of said interactive service," and

d)"wherein said interactive service can be provided from said interactive server over a first communication path to said broadcasting receiver, said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver, and said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server." Independent claims 17 and 27, as amended herein have similar recitations.

Applicant submits that recited features are not taught by even an arguendo combination of the art relied on by the Examiner.

The Action concedes that neither Malaure nor Yen do not disclose a method wherein "said set of information specifying said interactive service and information specifying said service time of said interactive service is transmitted from said broadcasting server over a third communication path to said interactive server." (See, Action, page 8, lines 1-4). However, the Examiner asserts that Reynolds teaches:

method wherein said set of information specifying said interactive service and information specifying said service time of said interactive service is

transmitted from said broadcasting server over a third communication path to said interactive server (figure 1, part 41; column 5, lines 45-51).

(see, page lines 5-8).

However, in supporting the rejection for independent claims 1, 11, and 21 (and respective dependent claims 2, 4, 12, 14, 22 and 24) the Examiner concedes:

Reynolds does not disclose a method wherein said interactive service can be provided from an interactive server over a first communication path to a broadcast receiver, and said data broadcasting can be provided from said broadcasting server over a second communication path to said broadcasting receiver; and transmitting information specifying said interactive service over a third communication path

(See, page 4, lines 1-5).

That is, the Examiner is relying on teaching in rejection of claim 7 that the Examiner has acknowledges is not taught by Reynolds.

Moreover, Applicant submits that as discussed in traversing the rejection of independent claim 1, for example, Yen, Reynolds, and Malaure, alone or in combination, do not teach or suggest “controlling activation and deactivation of an interactive application that is executed by said interaction server and that provides said interactive service, based on said extracted set of said information specifying said interactive service and said information specifying said service time of that interactive service”.

Dependent claims 8-10, 18-20 and 28-30 recite claim limitations of their own or are at least patentably distinguish over the art relied on by the Examiner due to their dependence from the respective independent claims

Since features are recited by independent claims 7, 17, and 27 (and respective dependent claims 8-10, 18-20 and 28-30) are not taught by a combination of the art relied on by the Examiner, the rejection should be withdrawn and claims 7-10, 17-20, and 27-30 allowed.

III. On pages 9-12 of the Office Action the Examiner rejects dependent claims 3, 5-6, 13, 15-16, 23, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Reynolds in view of Yen, Malaure, and further in view of Grooters (U.S.P. 6,684,399). The rejection is traversed. Dependent claims 3, 5-6, 13, 15-16, 23, 25 and 26 recite patentably distinguishing claim limitations of their own or are at least patentably distinguishing due to their dependence from the independent claim.

IV. Further, Applicants submit that if all of independent claims 1, 7, 11, 17, 21, and 27 are still rejected by the Examiner then the current Office Action is incomplete in that the

Examiner's assertions in support of the rejections is contradictory. However, if the Examiner is basing such on personal knowledge, the Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the Applicant. Thus, if the claims are not found allowable, Applicant calls upon the Examiner to support such assertions with an affidavit included in a new non-final action with the response date accordingly reset.

Summary

Since features recited by independent claims 1, 7, 11, 17, 21, and 27 (and respective dependent claims 2-6, 8-10, 12-16, 18-20, and 28-30) are not taught by even an *arguendo* combination of the cited art then rejection should be withdrawn and claims 1-30 allowed.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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